

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING)
PHARMACY CASES)
)
)
)

) Master Docket No.
) 12-12052-FDS

ORDER AS TO RULE 26(f) DISCOVERY CONFERENCES

SAYLOR, J.

Under Fed. R. Civ. P. 26(f), the parties are required to confer as soon as practicable for various discovery-related purposes. Among other things, they are required to make or arrange for mandatory initial disclosures as required by Fed. R. Civ. P. 26(a)(1) and develop a proposed discovery plan. These cases involve potentially complex discovery issues, including, among other things, issues as to the production of documents and other evidence from defendant New England Compounding Pharmacy, Inc. Nonetheless, the Court sees no reason why the process contemplated by Rule 26 cannot get underway as to the first-filed cases, particularly as to any discovery issues that are likely to be relatively straightforward.

Accordingly, the Court hereby orders that the parties shall hold Rule 26(f) conferences in the following cases on or before January 4, 2013:

1. *Erkan v. New England Compounding Pharmacy, Inc. et al.*, 12-cv-12052;
2. *Martin et al. v. New England Compounding Pharmacy, Inc., et al.*, 12-cv-12055;
3. *Doe v. New England Compounding Pharmacy, Inc. et al.*, 12-cv-12057;
4. *Cole v. New England Compounding Pharmacy, Inc. et al.*, 12-cv-12066;
5. *Thompson v. New England Compounding Pharmacy, Inc. et al.*, 12-cv-12074;

6. *Schroder et al. v. New England Compounding Pharmacy, Inc. et al.*, 12-cv-12075;
7. *Armstrong v. New England Compounding Pharmacy, Inc. et al.*, 12-cv-12077;
8. *Harrison v. New England Compounding Pharmacy, Inc. et al.*, 12-cv-12078;
9. *Weinstein v. New England Compounding Pharmacy, Inc. et al.*, 12-cv-12103;
10. *McDow et al. v. New England Compounding Pharmacy, Inc. et al.*, 12-cv-12112;
11. *Green v. New England Compounding Pharmacy, Inc. et al.*, 12-cv-12121; and
12. *Cary v. New England Compounding Pharmacy, Inc. et al.*, 12-cv-12123.

The parties should place particular emphasis, as an initial matter, on the reasonably prompt (1) production of any insurance agreements required to be produced under Fed. R. Civ. P. 26(a)(1)(A)(iv); (2) production of any medical records or product identification documents in the possession of plaintiffs or their counsel; and (3) execution of appropriate authorizations for the defendants to obtain plaintiffs' medical records directly from providers. The parties shall also, however, confer as to all matters contemplated by Rule 26(f), and attempt to agree on issues or narrow and define any areas of disagreement. The Court expects that, as a general matter, documents will be produced on a "rolling" basis—that is, documents will be produced as soon as they are ready for production, without waiting until the production is complete.

The Court will make such further orders as to the timing and scope of discovery as may be appropriate.

So Ordered.

Dated: November 29, 2012

/s/ F. Dennis Saylor
F. Dennis Saylor IV
United States District Judge